

**CLARK HILL LLP**

Myriah Jaworski (SBN 336898)

mjaworski@clarkhill.com

Ali Bloom (SBN 347446)

abloom@clarkhill.com

One America Plaza

600 West Broadway, Suite 500

San Diego, CA 92101

Telephone: (619) 557-0404

Facsimile: (619) 557-0460

Chirag H. Patel (*pro hac vice*)

cpatel@clarkhill.com

130 E. Randolph

Suite 3900

Chicago, IL 60601

Telephone: (312) 985-5900

Facsimile: (312) 985-5999

*Attorneys for Defendant National Notary Association*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

TERESA TURNER, INDIVIDUALLY  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

Plaintiff,

v.

NATIONAL NOTARY  
ASSOCIATION,

Defendant.

Case No. 2:25-CV-00334-FMO-PD

**DEFENDANT NATIONAL NOTARY  
ASSOCIATION'S MOTION TO STAY  
DISCOVERY; MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT; [PROPOSED] ORDER**

Judge: Fernando M. Olguin

Hearing: June 12, 2025

Time: 10:00 AM

Ctrm: 6D

CASE NO.: 2:25-CV-00334-FMO-

NOTICE OF MOTION AND MOTION TO STAY DISCOVERY;  
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT

**NOTICE OF MOTION AND MOTION TO STAY DISCOVERY**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on June 12, 2025 at 10:00 AM, or as soon thereafter as the matter may be heard, before the Honorable Ferando M. Olguin, in Courtroom 6D of the above-entitled Court, located at First Street Courthouse, 350 W. First Street, Los Angeles, CA 90012, Defendant National Notary Association (“NNA” or “Defendant”), by and through its attorneys of record, will and hereby do move for an order staying discovery until decision on Defendant’s pending motion to dismiss pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure (“FRCP”).

The Court should stay discovery until it issues a ruling on Defendant’s Motion to Dismiss (the “Motion”) (Dkt. No. 14). Under the Ninth Circuit’s two-part test, a short stay of discovery is warranted because Defendant’s Motion is potentially dispositive of the entire case and can be decided without further discovery.

This motion is based upon the following memorandum of points and authorities, the proposed order, the complete files and records in this action, the argument of counsel, and any other matters the Court may consider.

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.3**

This motion is made following the conference of counsel pursuant to L.R. 7-3, which took place on May 7, 2025. The parties conducted an informal discovery conference with Magistrate Judge Donahue on May 13, 2025.

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	FACTUAL BACKGROUND .....	2
A.	Procedural History .....	2
B.	Plaintiff’s Discovery Requests.....	2
III.	LEGAL STANDARD .....	4
IV.	ARGUMENT .....	4
A.	Discovery Should Be Stayed. ....	4
B.	Good Cause Exists to Stay Discovery .....	7
V.	CONCLUSION .....	9
	CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 11-6.2.....	10

**I. INTRODUCTION<sup>1</sup>**

This case tests the outer limits of the federal Video Privacy Protection Act (“VPPA”), 18 U.S.C. § 2710. Plaintiff Teresa Turner’s (“Turner” or “Plaintiff”) Complaint asserts a VPPA claim against the National Notary Association (“NNA”), who by Turner’s own account is a “not-for-profit corporation” that is the “largest and oldest organization in the United States serving notaries and training persons to be notaries through certifications, training, seminars, conferences, and printed and online educational materials.” Compl. ¶ 14. Turner is a professional notary who actively promotes her association with the NNA and the Loan Signing Agent certification she obtained from the NNA. Mot. at 4.

The NNA’s underlying Motion to Dismiss [ECF No. 14] is a Fed. R. Civ. P. 12(b)(1) factual challenge and 12(b)(6) legal challenge which demonstrates that Turner has no plausible claim based on the NNA’s alleged disclosure of her Loan Signing Agent certification. Mot. at 6-12. Not only does the NNA’s Motion unequivocally demonstrate that the alleged disclosure never occurred, but the certification course is not “private” because she herself has published that information across the internet. Mot. at 12-13, 15-19. Additionally, Turner’s own allegations demonstrate that the NNA is not a “video tape service provider,” which is a necessary element of a VPPA claim. Last, the alleged website code is disclosed is not readily identifiable by an “ordinary person.” *Solomon v. Flippy Media, Inc.*, No. 23-7597-CV, 2025 WL 1256641 (2d Cir. May 1, 2025)

Each of the issues are fully dispositive, do not require discovery, and cannot be cured by amendment.<sup>2</sup> This Court should put a brief pause on burdensome and sweeping putative class discovery while it resolves the substantial bases for

---

<sup>1</sup> The NNA’s Motion to Dismiss [ECF No. 14] is cited as “Motion” or “Mot.” Turner’s Opposition [ECF No. 26] is cited as “Opposition” or “Opp.” The NNA’s reply brief [ECF No. 28] is cited as “Reply.”

<sup>2</sup> Notably, Turner’s Opposition does not argue that discovery is necessary to resolve the NNA’s Motion.

1 dismissal raised in the NNA's Motion.

2 Last, as explained below, the balance of equities and the efficient  
3 administration of justice strongly favors a stay. The Court has taken the Motion  
4 under submission. [ECF No. 30]. While the NNA is mindful of the Court's busy  
5 calendar, the Motion being under submission means the time for disposition is  
6 uncertain. A stay pending resolution would prevent wasted resources, while creating  
7 no prejudice to Turner for a short delay. Accordingly, Defendant respectfully  
8 requests a stay on discovery until the Court resolves its Motion.

## 9 **II. FACTUAL BACKGROUND**

### 10 **A. Procedural History**

11 Plaintiff, on behalf of herself and other similarly situated, filed her Complaint  
12 on January 13, 2025. [ECF No. 1]. On March 7, 2025, Defendant filed its Rule 12  
13 Motion to Dismiss. [ECF No. 14]. On April 7, 2025, this Court entered a case  
14 management order stating that: "[t]he parties should note that absent exceptional  
15 circumstances, **discovery shall not be stayed** while any motion is pending,  
16 including any motion to dismiss or motion for protective order." [ECF No. 25 at 2  
17 [(emphasis in original)].

18 The NNA's Motion was fully briefed as of April 17, 2025. [ECF Nos. 27, 28].  
19 The Court originally set the Motion for hearing on May 1, 2025, but on April 28,  
20 2025, removed the Motion from the calendar and placed it under submission. [ECF  
21 No. 30]. On May 2, 2025, the Court extended the United States' deadline to intervene  
22 to June 30, 2025. [ECF No. 32]. On May 13, 2025, the Parties' conducted a discovery  
23 conference with Magistrate Judge Donahue.

### 24 **B. Plaintiff's Discovery Requests**

25 On April 14, 2025, Turner served her First Requests for Production and First  
26 Set of Interrogatories to Defendant. *See Plaintiff's First Set of Discovery*, attached  
27 hereto as Exhibit A. Turner also issued two third-party subpoenas.  
28

1 The discovery to NNA makes broad requests for documents including  
2 requests for all information provided to Meta that meets the Turner’s definition of  
3 “Personal Information” and all contracts between Defendant and Meta. For example,  
4 the requests include:

5 **Request for Production No. 2:** All documents, communications, and  
6 ESI concerning Your transmission of any Person’s Personal  
7 Information to Meta.

8 **Request for Production No. 3:** All contracts, agreements, statements  
9 of work, work orders, order forms, or the like exchanged between You  
10 (or any other party acting on Your behalf) and Meta concerning Your  
11 use of the Metal Pixel or Your transmission of Personal Information to  
12 Meta.

13 **Request for Production No. 6:** Documents, communications, and ESI,  
14 showing all the Personal Information that was shared with Meta via the  
15 Meta Pixel on Your Website.

16 **Request for Production No 8:** Website code, technical documentation,  
17 technical papers, and computer source code sufficient to show the  
18 manner in which Your Website operated to collect and transmit Your  
19 customers’ Personal Information by or through the Meta Pixel and its  
20 underlying events and parameters installed on Your website.

21 **Request for Production No. 12:** All documents, communications, and  
22 ESI sufficient to identify all the Persons who requested or obtained  
23 video materials or other services from You and whose Personal  
24 Information was transmitted to Meta, specifically including those  
25 individuals’ names and email addresses.

26 Ex. A.

27 These requests seek an overwhelming amount of information, including  
28 Defendant’s website and source code, confidential business information, and private  
information about the NNA’s customers. The discovery is not limited to Turner’s  
interactions with the NNA’s Website; rather, the discovery seeks broad information  
about “all the Persons” who interacted with the NNA’s Website. *See* RFP Nos. 2,  
12. The NNA’s responses and objections are due on May 29, 2025.

1 **III. LEGAL STANDARD**

2 This Court has broad discretion to stay discovery. *See Little v. City of Seattle*,  
3 863 F.2d 681, 685 (9th Cir. 1988). “The Ninth Circuit has not provided a clear  
4 standard for district courts to apply when determining whether it is appropriate to  
5 stay discovery pending the outcome of a potentially dispositive motion.”  
6 *Quezambra v. United Domestic Workers of Am. AFSCME Loc. 3930*, 2019 WL  
7 8108745, at \*2 (C.D. Cal. Nov. 14, 2019). However, courts in this District apply a  
8 two-part test that finds a stay appropriate when (1) a motion to dismiss is potentially  
9 dispositive of the entire case and (2) the motion can be decided absent additional  
10 discovery. *Luna v. Girgis*, No. 221CV09765FWSAFM, 2022 WL 3012167 (C.D.  
11 Cal. June 30, 2022) (Slaughter, J.). The NNA meets both factors.

12 **IV. ARGUMENT**

13 This Court should grant a stay of discovery pending its resolution of the  
14 NNA’s motion to dismiss because the NNA satisfies the Ninth Circuit’s two-part  
15 test. *See* § IV(A), *infra*. Alternatively, this Court should grant a stay under Fed. R.  
16 Civ. P. 26(c)’s “good cause” standard. *See* § IV(B), *infra*.

17 **A. Discovery Should Be Stayed.**

18 ***i. The Motion to Dismiss is Potentially Dispositive of the Entire Case.***

19 Where a motion to dismiss is pending, courts may “take a preliminary peek at  
20 the merits . . . to see if on its face there appears to be an immediate and clear  
21 possibility that it will be granted.” *Bride v. Snap Inc.*, No. 221CV06680FWSMRW,  
22 2022 WL 17184600, at \*2 (C.D. Cal. Oct. 21, 2022). A motion is potentially  
23 dispositive where all of the claims in the complaint would be subject to dismissal if  
24 the motion were granted, regardless of the ability to amend. *See Reveal Chat Holdco,*  
25 *LLC*, 2020 WL 2843369 at\*3 (“[o]n a motion to stay discovery . . . the question is  
26 only whether [defendant’s] motion to dismiss is ‘potentially dispositive of the entire  
27 [case].’”(citation omitted)). As explained in *Tradin Organics USA LLC v. Terra*  
28



1 *Nostra Organics, LLC*, No. 23-CV-03373-AMO, 2023 WL 8481814, at \*2 (N.D.  
2 Cal. Dec. 7, 2023):

3 [t]he fact that Plaintiff could possibly remedy any deficient allegations  
4 with leave to amend is not germane to the question before the Court on  
5 a motion to stay discovery: whether Defendants’ motion is *potentially*  
6 dispositive of the entire case.

(emphasis added).

7 Turner’s Complaint asserts a single claim of the VPPA. The crux of her claim  
8 is that the NNA violated the VPPA by disclosing “private video information” to a  
9 third-party *via* the NNA’s use of a ubiquitous website analytical tool called a Meta  
10 Pixel. Compl. ¶¶ 1-3. The specific information that Turner claims is private video  
11 information is a course she purchased from the NNA’s website. Compl. ¶ 9. The  
12 NNA’s investigation revealed that Turner’s purchase from the NNA was a Loan  
13 Signing Agent certification course (Turner does not dispute this). Mot. at 5. The  
14 NNA’s investigation also revealed that Turner promotes her Loan Signing Agent  
15 certification and affiliation with the NNA across the internet – on her website, on  
16 LinkedIn, and on Facebook. Mot. at 5. Turner does not dispute this either.

17 First, the NNA’s Motion raises a factual Rule 12(b)(1) challenge. Under that  
18 challenge, Turner must prove she has an Article III injury-in-fact by showing that  
19 she actually suffered a violation of the specific and narrow privacy right enshrined  
20 by the VPPA. Mot. at 2, 7-13. But, Turner could *never* demonstrate that injury-in-  
21 fact under the VPPA for three distinct reasons:

- 22 1. The very course from the NNA that she claims is “private video  
23 information” was *never* disclosed by the NNA to Meta;
- 24 2. Turner cannot demonstrate a privacy interest in the alleged course that  
25 she claims is “*private* video information” (titled “NSA Certification  
26 Training and Exam”) because Turner voluntarily published that exact  
27 information across the internet to promote her business interests as a  
28 Notary; and

1 3. Turner cannot demonstrate a privacy injury based on the NNA’s alleged  
2 disclosure to Meta, because she herself disclosed her NSA certification  
3 to Meta by posting that information on her Facebook profile (Meta  
owns Facebook).

4 Mot. at 2; 7-13; Reply at 1-2 [ECF No. 28].

5 Even if Turner could defeat the Rule 12(b)(1) challenge to her standing, her  
6 single VPPA claim fails as a matter of law for a variety of reasons. Primarily, the  
7 NNA is not a Video Tape Service Provider (“VTSP”). Mot. at 15-18. As  
8 organization is a VTSP only if delivering covered video content is its “defining  
9 feature” and “focus.” *Rodriguez v. JP Boden Servs. Inc.*, No. 23-CV-00534-L-VET,  
10 2024 WL 559228, at \*4 (S.D. Cal. Feb. 12, 2024). However, by Turner’s own  
11 admission the NNA is a “not-for-profit corporation” who offers “certifications,  
12 training, seminars, conferences, and printed and online educational materials.”  
13 Compl. ¶14. *See Markels v. AARP*, 689 F. Supp. 3d 722, 728 (N.D. Cal. 2023)  
14 (finding that the AARP is not VTSP because “providing video content [was not] a  
15 substantial or significant purpose of AARP”).

16 Next, the alleged disclosure occurred through a string of computer code which  
17 is not information that would readily permit an *ordinary person* to identify that  
18 Turner requested covered video material from the NNA. Mot at 20-21; *see Solomon*,  
19 2025 WL 1256641, at \*7 (following *Eichenberger v. ESPN, Inc.*, 876 F.3d 979, 984  
20 (9th Cir. 2017)).

21 Finally, Turner’s Complaint attempts to extend the VPPA far beyond its  
22 intended scope in a manner that violates Due Process and the First Amendment. Mot.  
23 at 22-24.

24 Each of the foregoing arguments are potentially dispositive of the entire case,  
25 and, therefore, a stay is appropriate. *See Quezambra*, 2019 WL 8108745, at \*2  
26 (“Defendants’ motions to dismiss are potentially dispositive of the entire case as they  
27  
28

1 raise arguments related to Article III standing, the adequacy of [plaintiff's] pleading,  
2 and [plaintiff's] ability to state a claim based on her allegations.”).

3 ***ii. The Motion Can be Decided Absent Discovery***

4 No discovery is required to decide the NNA's Motion, thereby satisfying the  
5 second prong. The NNA has provided the Court with a declaration and facts subject  
6 to judicial notice, and Turner has at her disposal all information concerning her  
7 alleged harms and her actions that belie those harms, such as her Facebook posts and  
8 LinkedIn profile. But most importantly, **Turner's Opposition neither disputes the**  
9 **accuracy of the declaration nor argues that discovery is necessary to resolve the**  
10 **NNA's Motion.** *See* Opp. at 13 [ECF No. 28]. Further, the discovery requests served  
11 by Plaintiff do not relate to Turner's lack of standing, but instead concern the NNA's  
12 website operations, traffic, and other components of its business. *See* Ex. A.

13 In short, the Court can decide the NNA's Motion on the briefing alone, and  
14 no discovery is required. *See Garcia v. Welltower OpCo Group, LLC*, No.  
15 SACV202250JVSKESEX, 2023 WL 8047823, at \*2 (C.D. Cal. Aug. 23, 2023) (“The  
16 Court finds no reason as to why discovery is needed prior to the disposition of the  
17 motion to dismiss.”); *Hall v. Tilton*, No. C 07-3233 RMW (PR), 2010 WL 539679,  
18 at \*2 (N.D. Cal. Feb. 9, 2010) (holding a stay was warranted because. “should the  
19 motion be granted, any discovery request would be moot”).

20 **B. Good Cause Exists to Stay Discovery**

21 The Court need go no further and should stay discovery for the reasons  
22 detailed above. However, Defendant's request also satisfies Fed. R. Civ. P. 26(c),  
23 which permits a court to stay discovery upon a showing of good cause. *Bride*, 2022  
24 WL 17184600, at \*2 (finding good cause was shown where a motion to dismiss was  
25 pending that would dispose of the entire case and no discovery was necessary to rule  
26 on the pending motion); *Bhatia v. Office of U.S. Att'y, N.D. Cal.*, 2010 WL  
27 11714069, at \*4 (N.D. Cal. Dec. 17, 2010) (“[d]efendant has met the Rule  
28 26(c) ”good cause” standard by showing that the discovery is irrelevant to the

1 pending motions and will be unnecessary if the case is disposed of at the motion to  
2 dismiss stage.”).

3 As explained above, Turner’s discovery requests are extraordinarily broad and  
4 seek documents that have no bearing on the issues raised in the NNA’s Motion. The  
5 Court should prevent the NNA from engaging in an expensive and time-consuming  
6 process while it considers the NNA’s Motion. *See Arcell v. Google LLC*, No. 5:22-  
7 CV-02499-EJD, 2022 WL 16557600, at \*1 (N.D. Cal. Oct. 31, 2022) (finding a stay  
8 of discovery was warranted until a motion to dismiss was considered “because it will  
9 promote efficiency and avoid undue burden to Defendants” in the face of broad,  
10 time-consuming and expensive discovery requests). Moreover, class discovery is an  
11 expensive and burdensome process, and that burden typically falls  
12 disproportionately on defendants, as it would here, because “class action plaintiffs  
13 typically possess no or very limited discoverable materials, while defendants may  
14 have reams of documents and terabytes of electronic data. Class action plaintiffs thus  
15 have an incentive to seek aggressive discovery (and log a tremendous number of  
16 hours in the process) without fear of reciprocally burdensome discovery.” *Chambers*  
17 *v. Whirlpool Corp.*, 980 F.3d 645, 666 (9th Cir. 2020). Indeed, courts routinely stay  
18 discovery when a motion to dismiss is pending in putative class actions. *See Webb*  
19 *v. Rejoice Delivers LLC*, No. 22-CV-07221-BLF, 2025 WL 722440, at \*2 (N.D. Cal.  
20 Mar. 6, 2025) (staying discovery in a putative class action where a motion to dismiss  
21 was pending because “the stay would aid judicial efficiency and conserve the parties’  
22 resources”); *Pereda v. Gen. Motors LLC*, No. 21-CV-06338-JST, 2022 WL  
23 19692037, at \*2 (N.D. Cal. Mar. 15, 2022) (granting a motion to stay in a class action  
24 lawsuit where the plaintiff’s discovery requests would be extraordinary burdensome  
25 and noting that “before embarking on such discovery, it would benefit the parties  
26 and the Court to know what claims are at issue”); *Amey v. Cinemark USA Inc.*, No.  
27 CV1306248MMMCWX, 2013 WL 12143815, at \*2 (C.D. Cal. Oct. 18, 2013)  
28 (holding a stay was warranted in a putative class action because “requiring the parties

1 to engage in discovery until the pending motions are resolved would not be  
2 efficient.”).

3 Furthermore, Turner will suffer no harm by a short delay in the discovery  
4 process while the Court rules on Defendant’s motion. *See Garcia*, 2023 WL  
5 8047823, at \*2 (“Moreover, a stay would last no more than several weeks (or sooner  
6 depending on the proposed briefing schedule), and neither party would suffer any  
7 prejudice from a stay.”); *Reveal Chat Holdco*, 2020 WL 2843369, at \*4 (granting a  
8 stay because it “allows all parties to commence discovery with a better understanding  
9 of which claims, if any, they must answer”); *Yiren Huang v. Futurewei Techs., Inc.*,  
10 2018 WL 1993503, at \*4 (N.D. Cal. Apr. 27, 2018) (granting stay pending resolution  
11 of a motion to dismiss that “may narrow the issues and benefit both parties”); *see*  
12 *also Little*, 863 F.2d at 685 (upholding stay that “furthers the goal of efficiency for  
13 the court and litigants”).

14 **V. CONCLUSION**

15 Good cause exists to grant a brief stay of discovery while the Court rules on  
16 Defendant’s motion to dismiss, and Plaintiff will suffer no harm from a short delay.  
17 Accordingly, this Court should grant the NNA’s Motion to Stay.

18 Dated: May 13, 2025

CLARK HILL LLP

19  
20 By: /s/ Myriah V. Jaworski  
Myriah Jaworski

21  
22 *Attorneys for Defendant National Notary*  
*Association*

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 11-6.2**

The undersigned, counsel of record for Defendant National Notary Association, certifies that this brief contains 3176 words, which complies with the word limit of L.R. 11-6.1.

Dated: May 13, 2025

CLARK HILL LLP

By: /s/ Myriah V. Jaworski  
Myriah Jaworski

*Attorneys for Defendant National Notary Association*